

591447

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and the

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

17 AUGUST 2007

Refer to: P/N ~~2007-01714-2IG~~ - P

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 401 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

ASHLEY II OF CHARLESTON, LLC
C/O ROSS NELSON
TIDEWATER ENVIRONMENTAL SERVICES, INC.
POST OFFICE BOX 865
JOHN'S ISLAND, SOUTH CAROLINA 29457-0865

for a permit to construct a private community marina in the

ASHLEY RIVER

at a location, the Ashley River Center, at 2750 Speissegger Drive, in the City of North Charleston, Charleston County, South Carolina. (Latitude -79.973108° - Longitude 32.838398°)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, SEPTEMBER 17, 2007

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing a 10' x 20' covered, fixed pierhead attached to high land by a 6' x 739' timber pier with railings. In addition, the applicant proposes to install a 10 slip capacity floating dock system at the waterward end of the pierhead with a 3' x 30' ramp. The floating dock system will include the following: (1) an 8' x 56' outer floating pier; (2) an 8' x 56' inner floating pier; and (3) two 6' x 18' floating finger piers located in the interior of the marina footprint. The outer floating pier will attached to the interior floating piers by an 8' x 42' floating pier. The berths within the floating pier system will be 12' wide. The purpose of the proposed work as stated by the applicant is for the private recreational use of the residents of the Ashley River Center.

REGULATORY DIVISION
Refer to: P/N #SAC-2007-01714-2IG

17 AUGUST 2007

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project should not impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

REGULATORY DIVISION
Refer to: P/N #SAC-2007-01714-2IG

17 AUGUST 2007

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

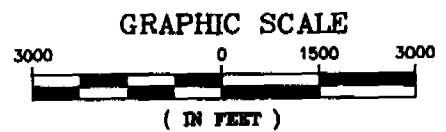
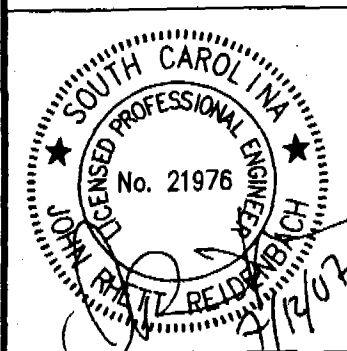
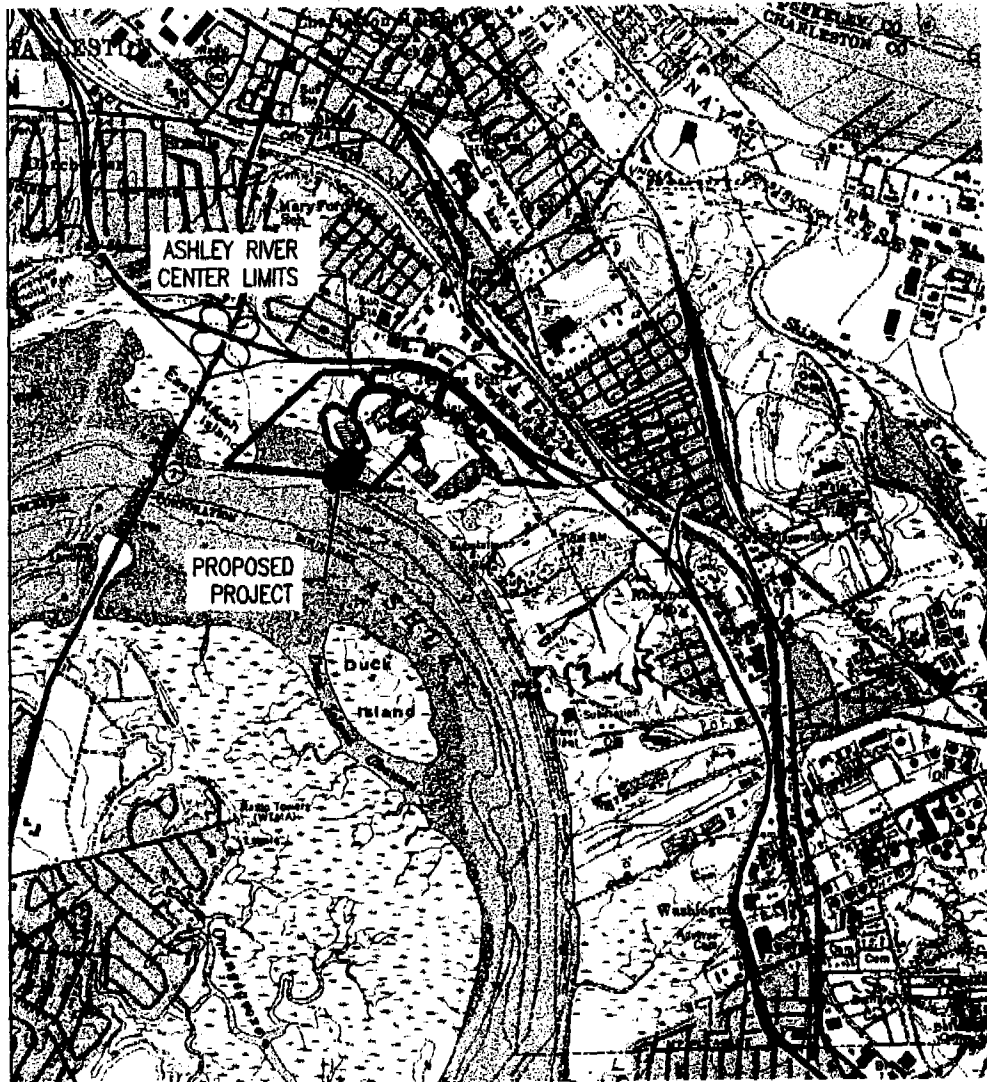
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Mary Hope Glenn at 843-329-8044 or toll free at 1-866-329-8187.

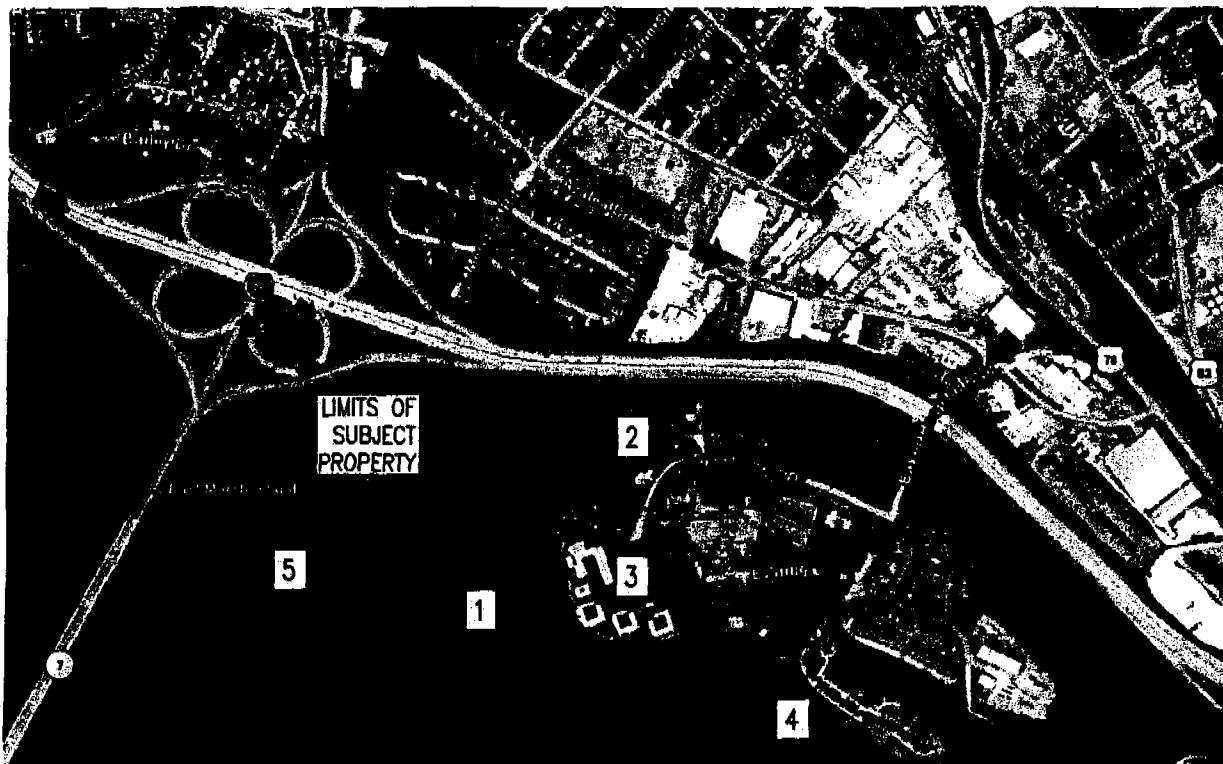
Steve Brooks
Project Manager
SCDHEC-OCRM

Efis id: 59775



SAC 2007 - 01914 - ZIG

DAVIS FLOYD Engineering Architecture Environmental & Laboratory Services GREENWOOD • CHARLESTON • COLUMBIA SOUTH CAROLINA	AFFILIATE MAGNOLIA DEVELOPMENT, LLC	TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS	PROJECT NO. 31213.00
	LOCATION SPEISSEGER DR., CHARLESTON COUNTY, SC	DATE JULY 2007 DESIGN PAF	DRAWN JDT/ALP CHECKED JRR
	DRAWING TITLE PROJECT LOCATION MAP	SHEET REFERENCES (OWN NUMBER)	SHEET NO. 1



PROPOSED
PROJECT

DIRECTIONS TO SITE
(AS SHOWN BY ARROWS IN ABOVE IMAGE)

FROM NORTH:

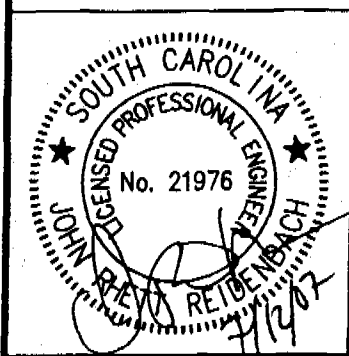
- I-26 EAST TO COSGROVE EXIT (ROUTE 7)
- ROUTE 7 NORTH TO AZALEA DRIVE
- AZALEA DRIVE EAST TO BAKER HOSPITAL BLVD
- BAKER HOSPITAL BLVD. SOUTH TO EVATT LN.

SUBJECT PROPERTY

- 1) TMS 469-00-00-012; TRACT "A-1"
OWNER: ASHLEY II OF CHARLESTON, LLC

ADJACENT PROPERTIES

- 2) TMS 469-00-00-011; PARCEL 3/TRACT "A-3"
OWNER: ASHLEY II OF CHARLESTON, LLC
- 3) TMS 469-00-00-009; TRACT "A-2"
OWNER: PALMETTO LOWCOUNTRY BEHAVIORAL HEALTH, LLC
- 4) TMS 469-00-00-018
OWNER: OSPREY PLACE APARTMENTS LIMITED PARTNERSHIP
- 5) TMS 469-00-00-004
OWNER: J.C. LONG



GRAPHIC SCALE



(IN FEET)

SAC 2007-01714-ZIG

DAVIS Engineering
FLOYD Architecture
Environmental & Laboratory Services
GREENWOOD • CHARLESTON • COLLETON
SOUTH CAROLINA

APPLICANT
MAGNOLIA DEVELOPMENT, LLC

LOCATION
SPEISSEGER DR., CHARLESTON COUNTY, SC

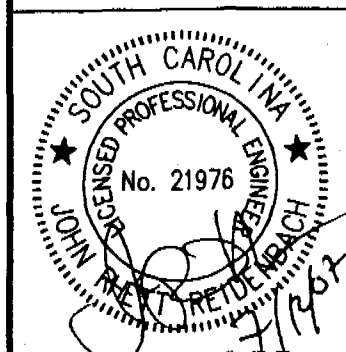
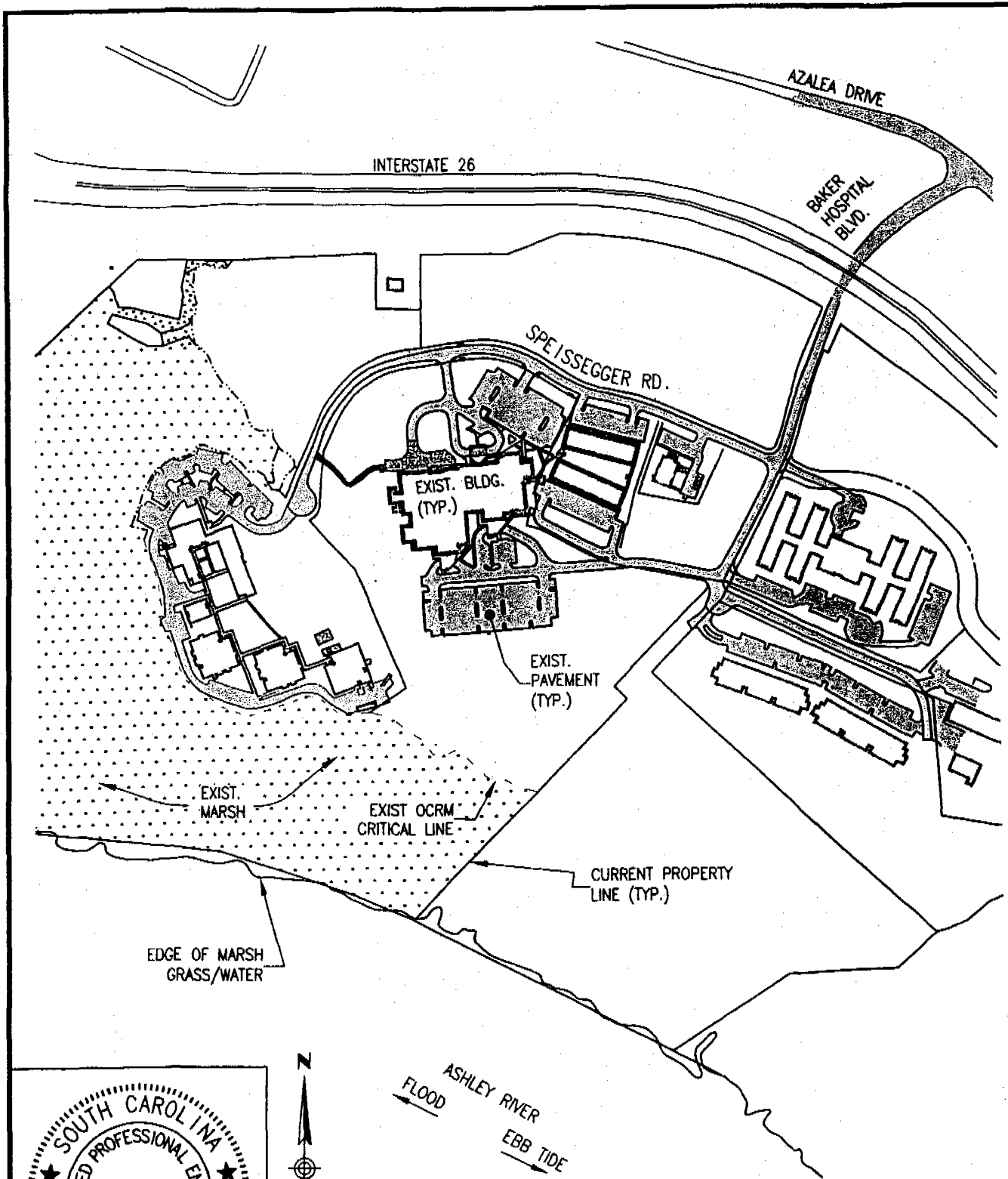
DRAWING TITLE
PROJECT LOCATION MAP

TITLE
ASHLEY RIVER CENTER
PROPOSED COMMUNITY DOCKS

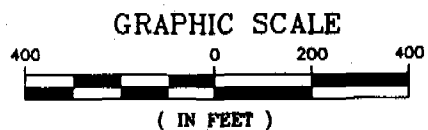
DATE JULY 2007
DRAWN PAF
CHECK JRR

SHEET NO. EX-1b

PROJECT NO.
31213.00



ASHLEY RIVER
FLOOD
EBB TIDE



SAC 2007-01714-216

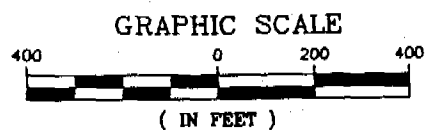
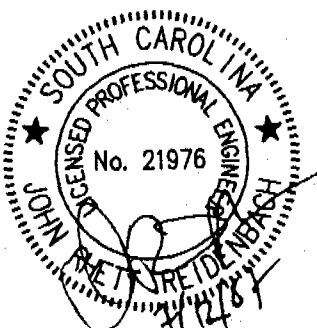
DAVIS Engineering FLOYD Architecture Environmental & Laboratory Services GREENWOOD • CHARLESTON • COLUMBIA SOUTH CAROLINA P.O. BOX 61666 CHARLESTON, SC 29416-1666 843-584-6666	APPLICANT MAGNOLIA DEVELOPMENT, LLC		TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS		PROJECT NO. 31213.00
	LOCATION SPEISSEGER DR., CHARLESTON COUNTY, SC		DATE JULY 2007		DRAWN JDT/ALP
	(SHEET) TITLE EXISTING CONDITIONS		DESIGN PAF		CHECKED JRR
			SHEET REVISIONS (DATE) (BY)		SHEET NO. 31213

Sheet 3 of 10



PROJECT AREA

NOTE:
PROPOSED DEVELOPMENT AND DOCK
LOCATIONS BASED ON CONCEPTUAL
RENDERING; SEE REMAINING EXHIBITS FOR
DETAILED DOCK INFORMATION



SAC 2007-01714-216

DAVIS Engineering
FLOYD Architecture
Environmental & Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA

CLIENT
MAGNOLIA DEVELOPMENT, LLC

LOCATION
SPEISSEGER DR., CHARLESTON COUNTY, SC

PROJECT TITLE
CONCEPTUAL DEVELOPMENT PLAN

TITLE
ASHLEY RIVER CENTER
PROPOSED COMMUNITY DOCKS

PROJECT NO.
31213.00

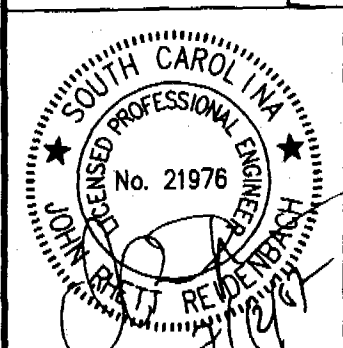
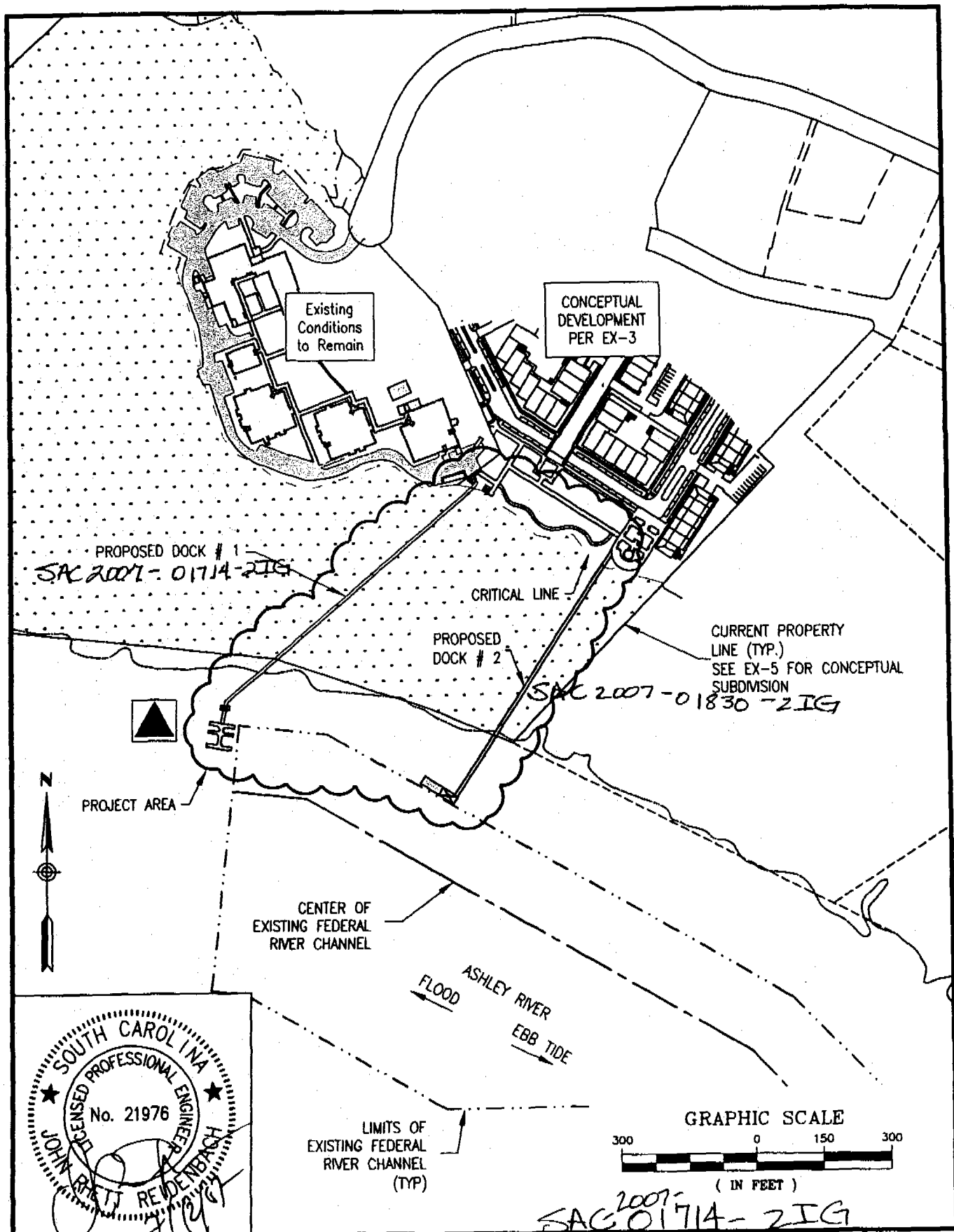
DATE
JULY 2007

DRAWN
PAF

CHECK
JRR

SHEET NO.
4

SKETCH REFERENCES EXHIBIT NUMBER



DAVIS Engineering
Architecture
FLOYD Environmental & Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA

APPLICANT
MAGNOLIA DEVELOPMENT, LLC

LOCATION
SPEISSEGGER DR., CHARLESTON COUNTY, SC

PROJECT TITLE
PERMIT PROJECT AREA

TITLE
ASHLEY RIVER CENTER
PROPOSED COMMUNITY DOCKS

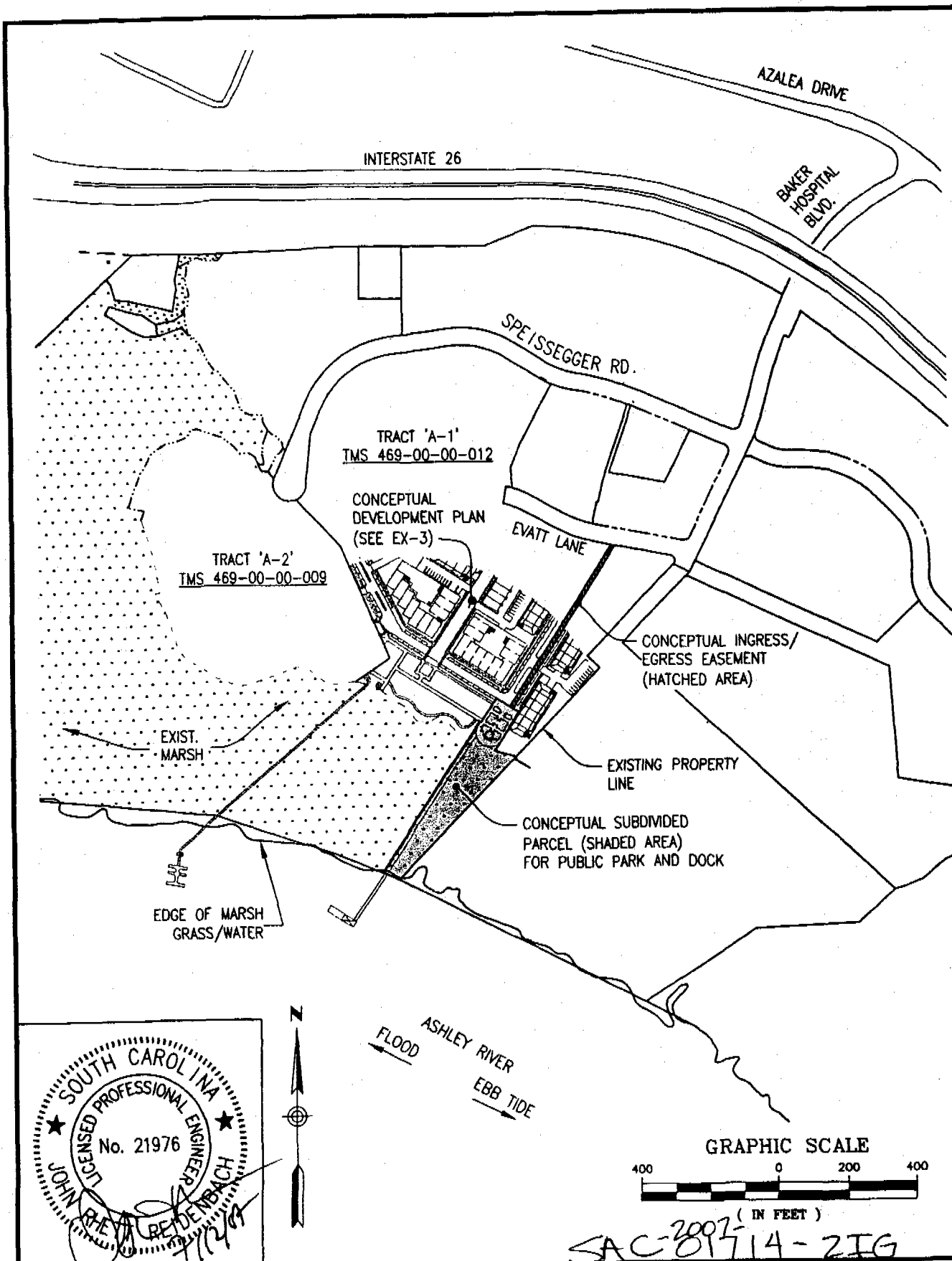
DATE
JULY 2007

DRAWN
JDT/ALP

CHECKED
JRR

PROJECT NO.
31213.00

SHEET NO.
1

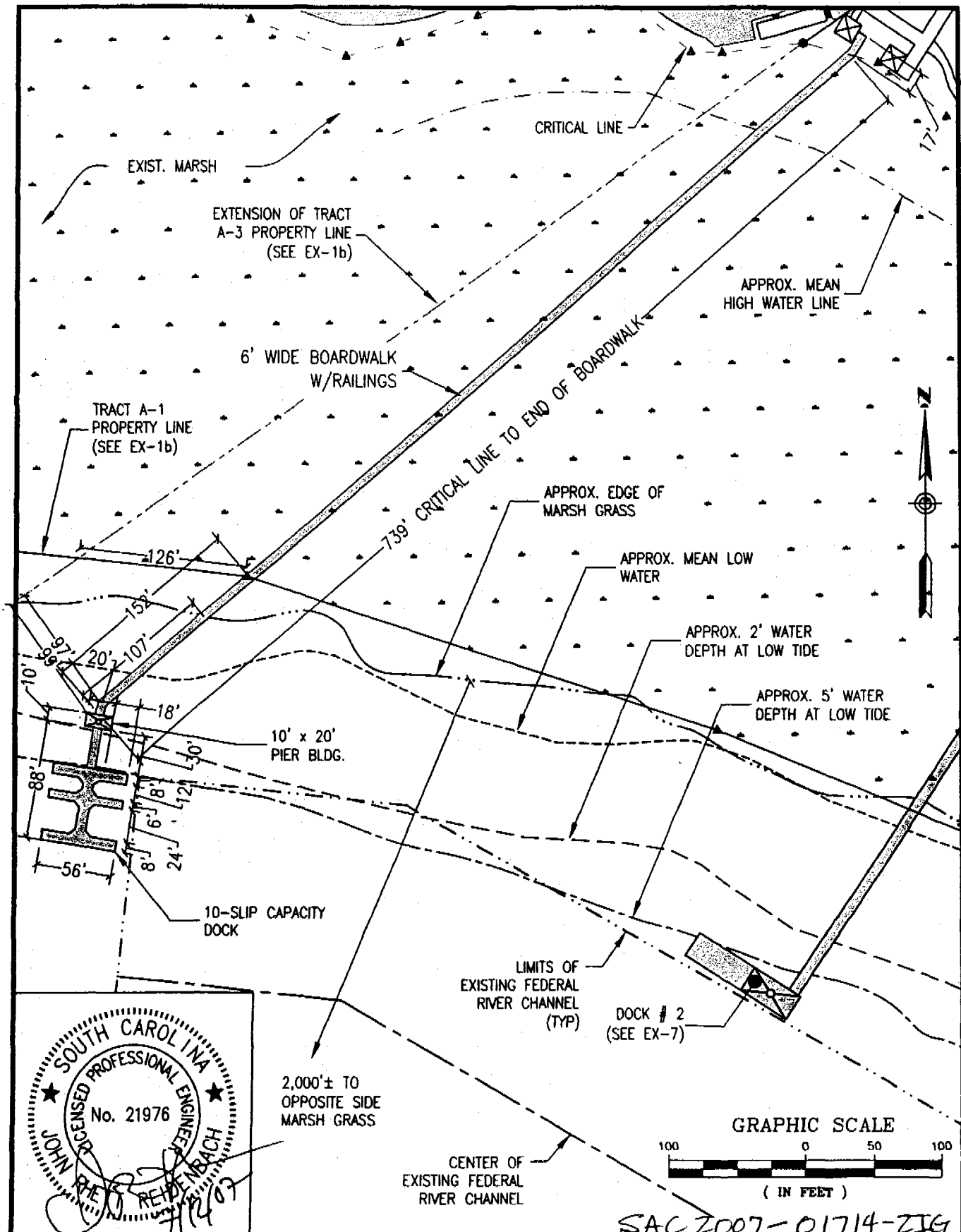


DAVIS Engineering FLOYD Architecture Environmental & Laboratory Services GREENWOOD • CHARLESTON • COLUMBIA SOUTH CAROLINA	APPLICANT MAGNOLIA DEVELOPMENT, LLC		TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS		PROJECT NO. 31213.00
	LOCATION SPEISSEGGER DR., CHARLESTON COUNTY, SC		DATE JULY 2007	DRAWN JDT/ALP	SHEET NO.
	DRAWING TITLE PROPERTY SUBDIVISION PLAN		DESIGNED PAF	CHECKED JRR	

P.O. BOX 61888 CHARLESTON, SC 29418-1888
843-554-8400

SAC-2007-14-ZIG

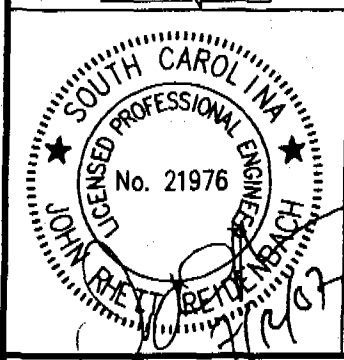
Sheet 6 of 10



DAVIS Engineering FLOYD Architecture Environmental & Laboratory Services GREENWOOD • CHARLESTON • COLLEEN SOUTH CAROLINA	APPLICANT MAGNOLIA DEVELOPMENT, LLC	TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS	PROJECT NO. 31213.00
	LOCATION SPEISSEGGER DR., CHARLESTON COUNTY, SC	DATE JULY 2007 DESIGN PAF	DRAWN JDT/ALP CHECK JRR
DRAWING TITLE PLAN VIEW; PROPOSED DOCK #1		SHEET NO. 	

P.O. BOX 61800 CHARLESTON, SC 29418-1000
803-554-0000

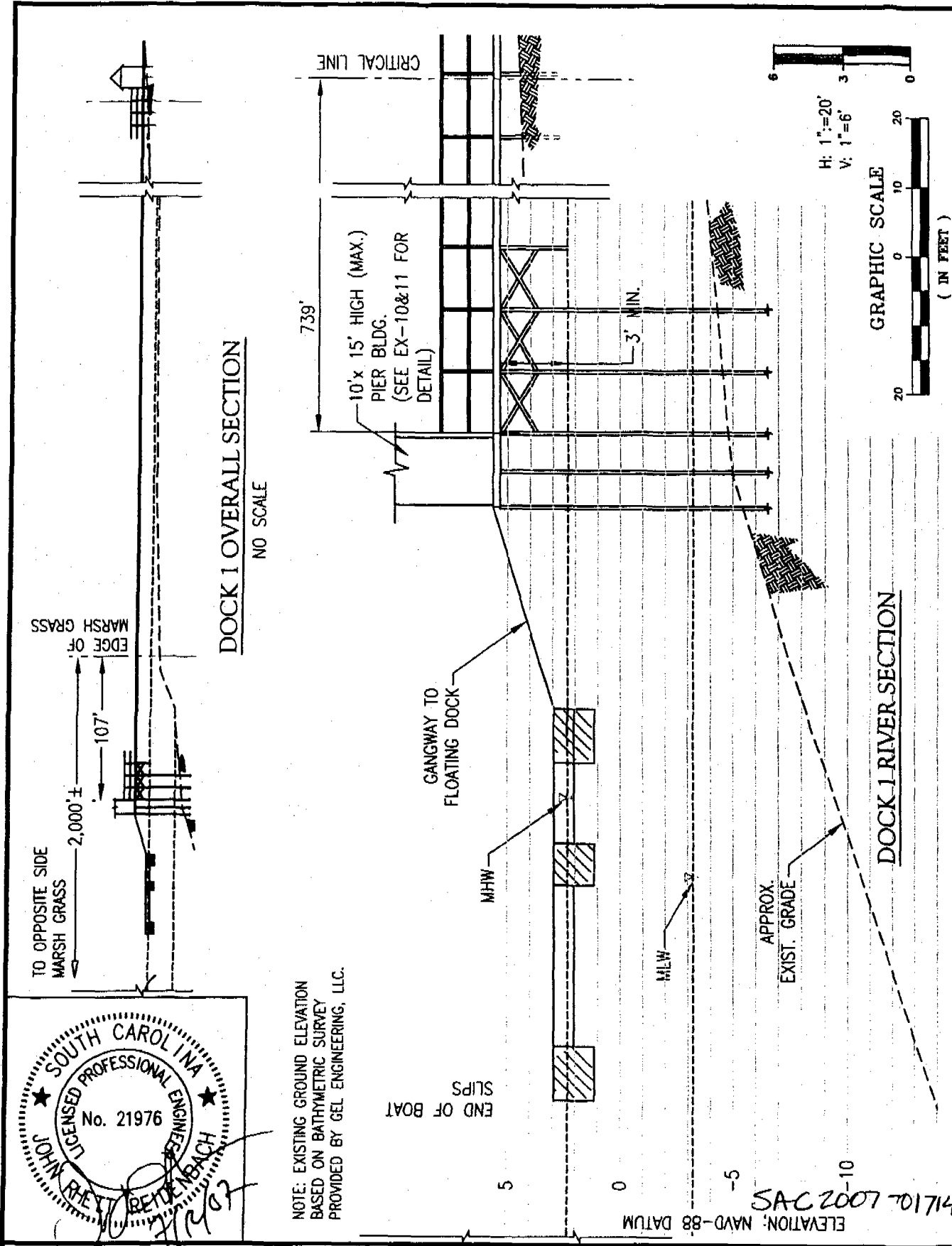
Sheet 7 of 10



DAVIS Engineering
FLOYD Architecture
 Environmental & Laboratory Services
 GREENWOOD • CHARLESTON • COLUMBIA
 SOUTH CAROLINA

P.O. BOX 61699 CHARLESTON, SC 29416-1699
 803-554-8000

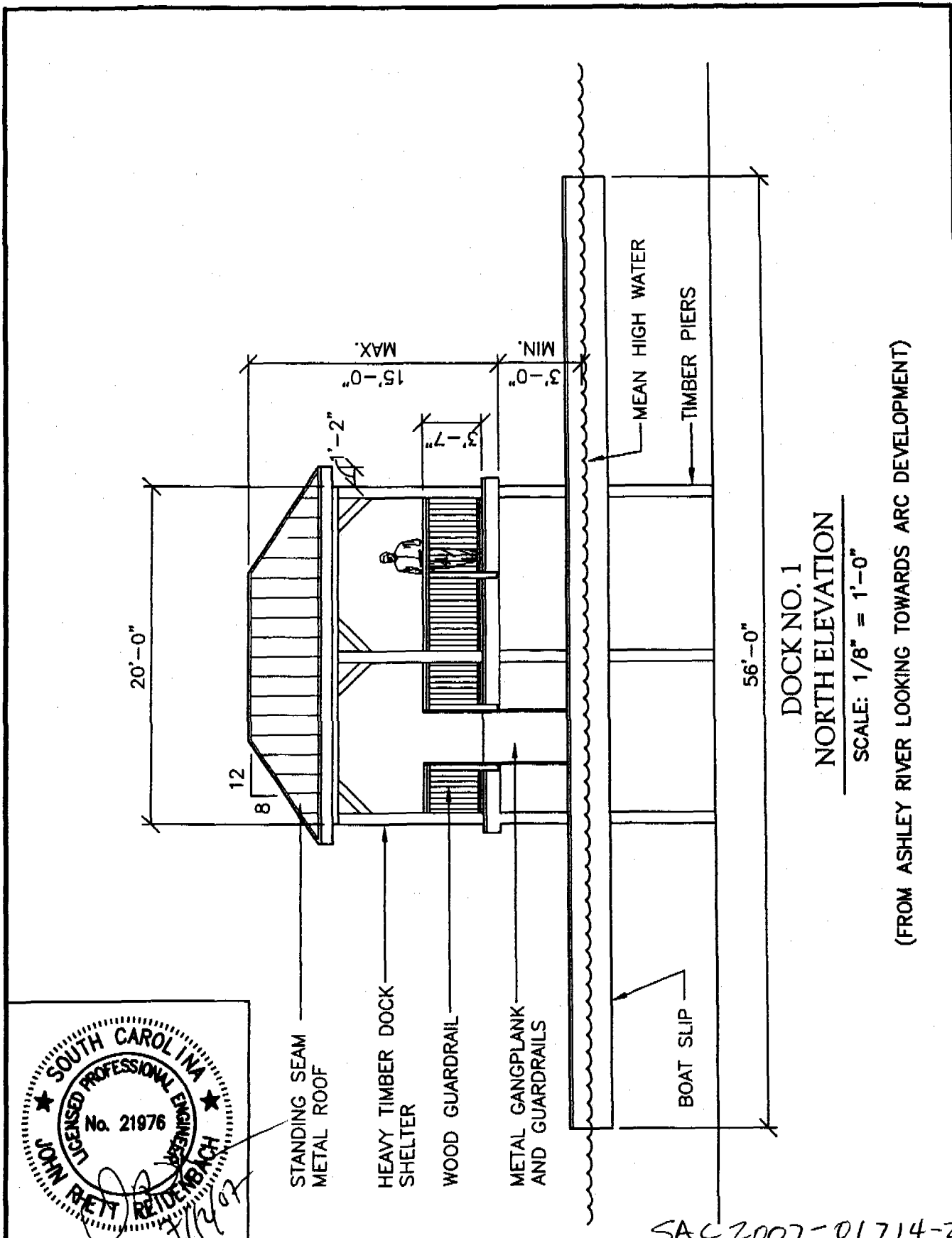
NOTE: EXISTING GROUND ELEVATION
 BASED ON BATHYMETRIC SURVEY
 PROVIDED BY GEL ENGINEERING, LLC.



CLIENT MAGNOLIA DEVELOPMENT, LLC
LOCATION SPEISSEGGER DR., CHARLESTON COUNTY, SC
PROJECT TITLE PROFILE OF PROPOSED DOCK #1

TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS		PROJECT NO. 31213.00
DATE JULY 2007	DRAWN JDT/ALP	SHEET NO. EX-8
DESIGN PAF	CHECK JRR	
SHEET REVISIONS (DATE, BY, REASON)		

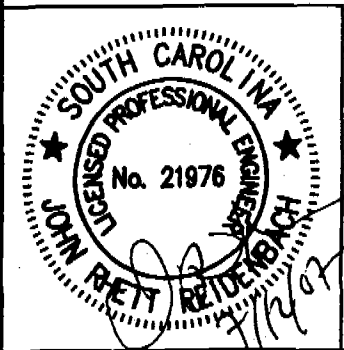
Sheet 8 of 1




DOCK NO. 1
NORTH ELEVATION

SCALE: 1/8" = 1'-0"

(FROM ASHLEY RIVER LOOKING TOWARDS ARC DEVELOPMENT)

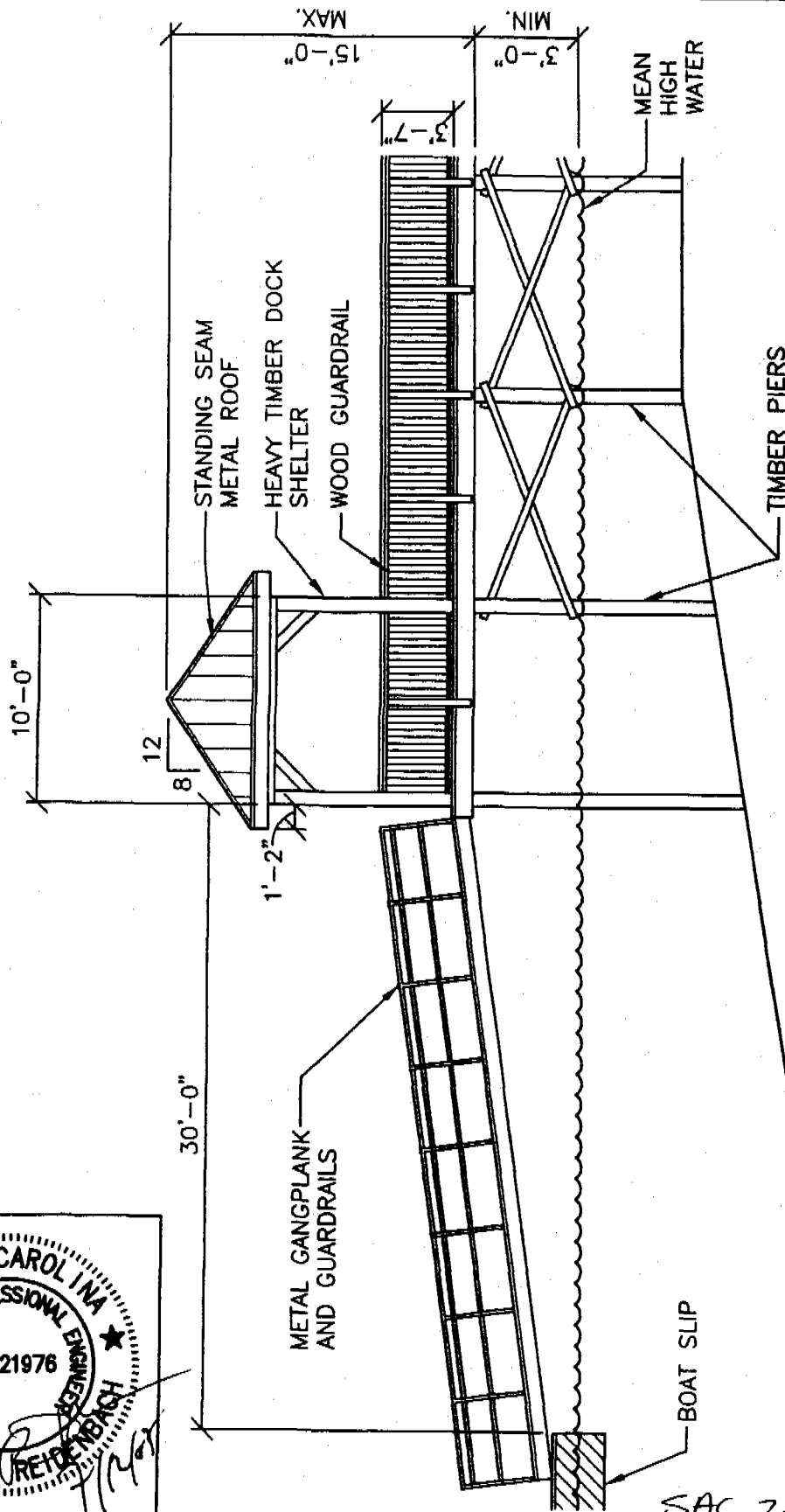


DAVIS Engineering FLOYD Architecture Environmental & Laboratory Services GREENWOOD • CHARLESTON • COLOMBIA SOUTH CAROLINA	APPLICANT MAGNOLIA DEVELOPMENT, LLC	TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS		PROJECT NO. 31213.00
	LOCATION SPEISSEGOER DR., CHARLESTON COUNTY, SC			SHEET NO. 
	DRAWING TITLE ELEVATION; PROPOSED DOCK #1	DATE JULY 2007	DRAWN JDT/ALP	
	DESIGN PF	CHECK JRR	SKETCH REFERENCES DWG NUMBER —	

P.O. BOX 6800 CHARLESTON, SC 29408-1000
843-584-0000

SAC 2007-01714-216

Sheet 9 of 1



DOCK NO. 1
WEST ELEVATION
SCALE: 1/8" = 1'-0"

(LOOKING UPSTREAM ON THE ASHLEY RIVER)



DAVIS FLOYD Engineering
Architecture
Environmental & Laboratory Services
ANNISTON • CHARLESTON • COLUMBIA
SOUTH CAROLINA

P.O. BOX 6800 CHARLESTON, SC 29405-1000
803-584-8400

APPLICANT MAGNOLIA DEVELOPMENT, LLC
LOCATION SPEISSEGGER DR., CHARLESTON COUNTY, SC
DRAWING TITLE ELEVATION; PROPOSED DOCK #1

TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS	PROJECT NO. 31213.00
DATE JULY 2007	DRAWN JDT/ALP
DESIGN PF	CHECK JRR
SHEET NO. 10	

SAC 2007-01714-2IG

Sheet 10 of 10

First Class Mailing List
For
Public Notices

Applicant

Ashley II of Charleston, LLC
Attn: Mr. Winthrop C. Allen
Magnolia, Dev. LLC
1601 Oceanic St.
Charleston, SC 29405

Adjacent Property Owners

J.C. Long
c/o Mike Macy
P.O. Box 242
Charleston, SC 29402-0242
(TMS 460-00-00-004)

Palmetto Lowcountry Behavioral Health, LLC
2777 Speissegger Drive
North Charleston, SC 29405-8229
(TMS 460-00-00-009)

Osprey Place Apartments, L.P.
373 Edwin Drive
Virginia Beach, VA 23462-4522
(TMS 469-00-00-018)

Others to be Included on First Class Mailing

Ross Nelson
Tidewater Env. Services
P.O. Box 865
John's Island, SC 29457-0865